

REMARKS

35 U.S.C. §102(e) Rejections

Claims 13-15 and 21 are pending. Claim 13 is the sole independent claim of the group. It recites a computer-implemented method of managing bid pricing information, comprising receiving transaction information and item data from a buyer, generating a bid invitation containing entries relating to the transaction information and item data, and making the bid invitation available to a plurality of potential bidders. The method further includes receiving from one or more of the potential bidders bid invitations containing a complex pricing structure and corresponding complex pricing amounts, wherein the complex pricing structure is selected and supplied by each potential bidder, and selecting a winning bidder based on the complex pricing amounts.

Claims 13-15 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Davis et al. (2006/0149653).¹ Claim 13 has been amended to make clear that the complex pricing structure can be selected and supplied by a potential *bidder*, as opposed to the *buyer*. This feature results in a more flexible and powerful bidding experience, as the buyer can receive bids including complex pricing structure unique to the bidder's business. The buyer can be presented with bids, including pricing factors that the buyer might not be aware of (for example, pricing discounts on stock where delivery is less than 10 miles from a storage warehouse), and can therefore potentially receive a better bid than if the buyer defines the parameters of the pricing structure. This feature improves business for both the bidder and the buyer; the bidders are allowed more freedom in presenting their best overall bid, while the buyer is presumably presented with a better pricing scenario.

Davis does not disclose any such approach. Unlike the approaches distinguished in the pending application, it simply involves the buyer submitting a price in response to a solicitation. Nothing in Davis either teaches nor suggests that the bidders, in contrast to the buyers, would be selecting a particular complex structure for the pricing. Nor would a skilled artisan be motivated

¹ Applicants note that the claim numbers listed in the Disposition section of the Office Action Summary are incorrect, since claim 12 is not elected in the Group 11A claims, and claim 14 is not listed as one of the rejected claims, although it is currently pending.

to make such a change to Davis, because such a change would be expected to make bid evaluation much more complex for the buyer (e.g., because the buyer may have to compare a variety of pricing structures and cannot make an easy apples-to-apples comparison). It is the Applicants, however, and not Davis, who recognized the power and flexibility that can be achieved by having bidders submit pricing structures.

Claims 14, 15, and 21 further limit claim 13, which has been amended to address the rejection based on Davis et al. The claims as presented herein are in condition for allowance. Applicants respectfully request removal of the above rejections based on Davis et al.

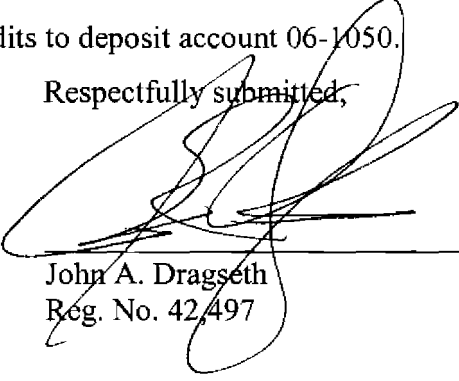
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

1/17/06



John A. Dragseth
Reg. No. 42,497

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696